

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FILED
for Roanoke
MAY 08 2007

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

ROBERT LEE MITCHELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 7:07-cv-00238

FINAL ORDER

By: Hon. Norman K. Moon

United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice as successive and this case is **STRICKEN** from the active docket of the court.

Mitchell is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all parties.

ENTER: This 8th day of May, 2007.

Norm K. Moon
United States District Judge